

Update on Expansion of Youthful Offender Status

Joint Justice Oversight

November 13, 2019

Karen Vastine

Senior Advisor to the Commissioner
of the Dept for Children & Families

Background

Youthful Offender Status Explained:

- Hybrid status that assigns a youth supervision by both DOC and DCF (w/ one dept. as 'lead')
- Strives to be a developmental response to emerging adults who commit offenses
- To be considered, an individual must: complete a risk/need screening; court considers three questions: public safety, amenability to treatment, and availability of services.

Background

Act 153 (2016) included a number of reforms to the juvenile justice system including an expansion of Youthful Offender (YO) Status on July 1, 2018:

- 18-21 year olds were afforded the opportunity to be considered for YO status
- It allowed cases to be filed directly in family court

Impact of Youthful Offender Change

An overview of the data

Court Data

I. JUVENILE CASES ADDED (multiple years)

	FY12	FY13	FY14	FY15	FY16	FY17	FY18	FY19
CHINS-Abused or Neglected	701	656	809	1,065	1,066	921	1,100	897
CHINS-Truant	117	135	123	112	137	165	183	130
CHINS-Beyond Parent Control	93	91	93	84	85	65	75	68
Delinquency	894	816	668	704	737	705	884	709
Youthful Offender	79	72	54	44	43	33	33	504
Total	1,884	1,770	1,747	2,009	2,068	1,889	2,275	2,308

All Cases Filed in 2019 and Q1 2020

All age groups, all offenses:

Counties	FY Filed	
	2019	2020, Q1
Addison	18	13
Bennington	7	1
Caledonia	15	2
Chittenden	119	52
Essex	1	0
Franklin	76	21
Grand Isle	5	2
Lamoille	8	0
Orange	11	6
Orleans	49	11
Rutland	26	4
Washington	89	15
Windham	29	9
Windsor	51	15
Grand Total	504	151

Cases direct filed in Family Court

All ages, Non-big 12:

Counties	FY Filed	
	2019	2020, Q1
Addison	6	4
Caledonia	3	0
Chittenden	6	1
Franklin	4	2
Grand Isle	3	2
Lamoille	4	0
Orange	1	1
Orleans	2	0
Rutland	4	0
Washington	23	1
Windham	0	1
Windsor	6	6
Grand Total	62	18

All ages, Big 12:

Counties	FY Filed	
	2019	2020, Q1
Bennington	1	0
Chittenden	2	0
Franklin	2	0
Lamoille	1	0
Rutland	5	0
Windsor	1	1
Grand Total	12	1

Cases adjudicated in FY19

All offenses:

Counties	FY Disposed	
	2019	2020, Q1
Addison	6	1
Bennington	1	1
Caledonia	4	2
Chittenden	18	15
Franklin	33	13
Orange	3	1
Orleans	3	6
Rutland	9	0
Washington	6	4
Windham	9	9
Windsor	12	8
Grand Total	104	60

Cases Dismissed in FY19

All offenses:

Counties	FY Disposed	
	2019	2020, Q1
Addison	4	2
Chittenden	16	17
Franklin	11	22
Grand Isle	0	3
Lamoille	3	1
Orange	2	0
Orleans	0	1
Rutland	1	0
Washington	9	12
Windham	2	4
Windsor	6	0
Grand Total	54	62

Dismissed due to Diversion Completion:

Counties	FY Disposed	
	2019	2020
Chittenden	6	10
Franklin	6	3
Grand Isle	0	3
Orange	2	0
Washington	3	10
Windsor	3	0
Grand Total	20	26

Cases returned to Criminal Division

All offenses:

Counties	FY Disposed	
	2019	2020, Q1
Addison	5	4
Caledonia	7	2
Chittenden	25	2
Essex	0	1
Franklin	4	0
Grand Isle	0	1
Orange	0	1
Orleans	32	6
Rutland	9	4
Washington	27	12
Windham	8	0
Windsor	18	3
Grand Total	135	36

Cases that Failed Diversion

Counties	FY Disposed	
	2019	2020, Q1
Addison	2	0
Chittenden	0	1
Franklin	1	2
Orleans	1	0
Windsor	2	0
Grand Total	6	3

What's working well:

- Every district/county has adopted (or is in the process of finalizing) a communication protocol for local stakeholders to follow.
- DOC and DCF have strengthened their case coordination and communication.
- The Children & Family Council for Prevention Programs provided a grant to support needed legal and technical assistance for DCF staff.
- DCF presented at 12 Bench-Bar meetings; to judges and to GALs.

Challenges to be worked through

- Statutory Clarification for discharge of cases
- Individuals over the age of 18 afforded this status have been reluctant to sign releases prohibiting communication between DCF and service providers. This is particularly challenging during the consideration phase.
- The volume of cases, however a decrease is anticipated with Act 201 going into effect and because all caseloads are trending down.

Questions?